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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/570,299	01/04/2007	Miguel Sigo	251066	7946
23460 7590 04/13/2009 LEYDIG VOIT & MAYER, LTD TWO PRUDENTIAL PLAZA, SUITE 4900 180 NORTH STETSON AVENUE CHICAGO, IL 60601-6731				
EXAMINER				
RAPILLO, KRISTINE K				
ART UNIT		PAPER NUMBER		
3626				
MAIL DATE		DELIVERY MODE		
04/13/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/570,299

Applicant(s)

SIGO ET AL.

Examiner

KRISTINE K. RAPILLO

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date 3/9/2007
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Notice to Applicant

1. Claims 1 - 10 are pending.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "exam" is vague and indefinite as it can be used in multiple contexts. For the purpose of examination, the examiner has treated the term exam as a medical examination.

Claim Rejections - 35 USC § 101

4. Claims 1 - 9 are rejected under 35 U.S.C. 101. Based on Supreme Court precedent and recent Federal Circuit decisions, the Office's guidance to examiners is that a § 101 process must (1) be tied to a machine or (2) transform underlying subject matter (such as an article or materials) to a different state or thing. *In re Bilski et al*, 88 USPQ 2d 1385 CAFC (2008); *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780,787-88 (1876). For instance, the method steps recited in the body of claim 1 could reasonably be interpreted to encompass a human being performing these steps. Claims 2 - 9 have similar deficiencies as noted above with regard to claim 1 and therefore are rejected for substantially the same reason.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paradis (U.S. Publication Number 2002/0131572 A1).

In regard to claim 1, Paradis teaches a method for grouping a plurality of exams for a patient comprising the following steps:

selecting a first exam (paragraph [0031]) where Paradis discloses a task, which is equated to an exam, which includes an examination regarding open heart surgery;

selecting at least one other exam, related to said first exam (paragraph [0031]) where Paradis discloses sub-tasks related to the main task such as an x-ray;

is characterised in that the method further comprises the step of defining a grouping relation between said first exam and said other exam (paragraph [0031]) where Paradis discloses a relationship between the main task and a sub-task.

Paradis does not explicitly teach a medical exam, however, it is obvious to one of ordinary skill in the art at the time the invention was made to view the term task, as used by Paradis, to be equated to an exam. The task disclosed by Paradis allows a user to select a task to be scheduled, where the tasks include, but are not limited to, surgery and a physical exam.

System claim 10 repeats the subject matter of method claim 1. As the underlying processes of claim 1 has been shown to be fully disclosed by the teachings of Paradis in the above rejection of claim 1; as such, this limitations (10) is rejected for the same reasons given above for claim 1 and incorporated herein.

7. Claims 2 – 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paradis (U.S. Publication Number 2002/0131572 A1) in view of Jones (U.S. Publication Number 2003/0014284 A1).

In regard to claim 2, Paradis teaches the method according to claim 1. Paradis fails to teach a method further comprising the steps of: listing a plurality of exams, having said grouping relation; selecting said first exam and said other exam from said plurality of exams; and, optionally selecting or de-selecting extra exams from said plurality of exams.

Jones teaches a method further comprising the steps of: listing a plurality of exams, having said grouping relation (paragraphs [0025], [0031], and [0034]) where Jones discloses a physical examination database which lists various groups available for examination, grouped by the system of the human body (i.e. neck, leg); selecting said first exam and said other exam from said plurality of exams (paragraphs [0031], [0034], and [0036]) where a physician performs a physical examination and may further choose an x-ray (i.e. other exam); and, optionally selecting or de-selecting extra exams from said plurality of exams (paragraph [0036]) where Jones discloses the selecting of additional diagnostic testing which is interpreted as a form of a medical examination, such as laboratory tests.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a method further comprising the steps of: listing a plurality of exams, having said grouping relation; selecting said first exam and said other exam from said plurality of exams; and, optionally selecting or de-selecting extra exams from said plurality of exams as taught by Jones, within the method of Paradis, with the motivation of providing an efficient and cost effective method of performing a medical examination of a patient.

In regard to claim 3, Paradis and Jones teach the method according to any one of the previous claims. Paradis teaches a method further comprising the steps of:

assigning to said first exam at least a first resource (Figure 4B-1 and paragraph [0016]) where A room is considered a resource;

assigning to said other exam at least a second resource (paragraph [0016]) where staff (i.e. nurses, doctors) are considered resources;

checking whether said second resource has been assigned to said first exam (paragraph [0018]).

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In regard to claim 4, Paradis and Jones teach the method according to any one of the previous claims. Paradis teaches a method further comprising the step of assigning to said first exam or to said other exam a preferred date period or a preferred time period (paragraphs [0016] and [0018]).

In regard to claim 5, Paradis and Jones teach the method according to any one of the previous claims. Paradis teaches a method further comprising the step of assigning to said first exam or to said other exam a start time or a time interval for starting the exam (paragraphs [0016], [0018], [0022], and claim 2).

In regard to claim 6, Paradis and Jones teach the method according to any one of the previous claims. Paradis teaches a method further comprising the step of scheduling an appointment for said first exam only and using said appointment for said other exam (Figure 4A-2 and paragraph [0022]).

In regard to claim 7, Paradis and Jones teach the method according to any one of the previous claims.

Jones teaches a method further comprising the step of copying information from said first exam to said other exam (paragraph [0040]).

The motivation to combine the teachings of Paradis and Jones is discussed in the rejection of claim 2, and incorporated herein.

In regard to claim 8, Paradis and Jones teach the method according to any one of the previous claims. Paradis further teaches a method comprising the step of generating a confirmation letter for said first exam said confirmation letter comprising optionally information for said other exam (paragraph [0020]) where a patient accepts (i.e. confirms) an appointment for an exam.

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In regard to claim 9, Paradis and Jones teach the method according to the previous claim. Paradis further teaches a method comprising the step of transmitting said confirmation letter by a device selected from the group consisting of a fax, a telephone, a mobile telephone, a printer (paragraphs [0013] and [0020] where Paradis discloses a PDA, which is well known also be used as a cell or mobile phone.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to KRISTINE K. RAPILLO whose telephone number is (571)270-3325. The examiner can normally be reached on Monday to Thursday 6:30 am to 4 pm Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Luke Gilligan can be reached on 571-272-6770. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KKR

/Robert Morgan/
Primary Examiner, Art Unit 3626